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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

HOGAN *et al.*

Serial No. 08/454,529

Filed: May 30, 1995

For: METHODS FOR DETERMINING  
THE PRESENCE OF NON-VIRAL  
ORGANISMS IN A SAMPLE

Group Art Unit: 1631

Examiner: Marschel, A.

Atty. Docket No. GP004-16.DV4

#33  
Plunkett  
8/31/01

RESPONSE

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Examiner's Office Action mailed on April 23, 2001, kindly consider the following remarks in connection with the above-captioned application.

Remarks

Various claim combinations of the instant application stand rejected by the Examiner as being unpatentable under the judicially created doctrine of obviousness-type double patenting in view of claims which issued in each of U.S. Patent Nos. 5,547,842, 5,593,841, 5,595,874, 5,674,684, 5,677,127, 5,677,129, 5,679,520, 5,683,876, 5,691,149, 5,693,468, 5,693,469, 5,714,321, 5,958,679 and 5,994,059. While U.S. Patent No. 5,677,128 ("the 128 patent") was cited in the Examiner's form PTO-892, the '128 patent was not identified in any of the Examiner's double patenting rejections. Applicants will assume for this response that the Examiner also intended to rely upon the '128 patent in making out a double patenting rejection. Without addressing the merits of the Examiner's arguments, Applicants submit that these rejections are overcome by the Terminal Disclaimer filed herewith. Accordingly, withdrawal of these rejections are respectfully requested.